THE FLOWER MOUND TOWN COUNCIL REGULAR MEETING HELD ON THE 7TH DAY OF DECEMBER 2020, VIA VIDEO CONFERENCE, AT 6:00 P.M.

Click here for meeting video link (subject to change)

The Town Council met in a regular meeting with the following members present:

Steve Dixon	Mayor
Jim Engel	Mayor Pro Tem
Ben Bumgarner	Deputy Mayor Pro Tem
Jim Pierson	Councilmember Place 1
Sandeep Sharma	Councilmember Place 2
Ann Martin	Councilmember Place 5

constituting a quorum with the following members of the Town Staff participating:

Theresa Scott	Town Secretary
Bryn Meredith	Town Attorney
Debra Wallace	Interim & Deputy Town Manager/CFO
Tommy Dalton	Assistant Town Manager
Lexin Murphy	Director of Planning Services
Tiffany Bruce	Executive Director of Public Works
Brian Waltenburg	Assistant Director of Engineering

A. CALL REGULAR MEETING TO ORDER

Mayor Dixon called the regular meeting to order at 6:00 p.m.

B. INVOCATION

Mayor Dixon gave the invocation.

D. GENERAL PUBLIC COMMENT

Names listed below don't necessarily reflect the order in which each person spoke and all addresses are located in Flower Mound unless otherwise indicated.

	Speaker names and address	**Subject *(as written on the form)***
1.	John Hawkins, address not provided	Land Development Options - Provisions to Ord. 64-13

E. ANNOUNCEMENTS

Mayor Pro Tem Engel offered congratulations to the Flower Mound Girls Volleyball team for winning the regional finals.

Councilmember Sharma announced that the Flower Mound Lions Club is gathering pet supplies for needy families, as well as toiletries for Christian Community Action family care packs.

Councilmember Martin announced that today is the 79th Anniversary of the Pearl Harbor attack and pointed out ways that the Town can honor our Veterans.

Mayor Dixon offered kudos to staff for the annual Christmas tree lighting at the Community Activity Center.

F. TOWN MANAGER'S REPORT

Ms. Wallace provided an update on the following projects

1. Capital improvement projects:
   - Hound Mound parking lot and rest room
   - FM 2499 and Chaparral traffic light

2. Economic Development projects:
   - New or coming soon businesses

G. FUTURE AGENDA ITEMS

1. Mayor Pro Tem Engel requested the following agenda items:
   - Request for a progress report on the Riverwalk
   - Create an ordinance that if a building permit expires and the site is abandoned, the site needs to be returned to a natural state
   - For the Lakeside Business District, interest in having a future discussion regarding limited residential, as well as what types of projects the Town Council wants to see for that area and promote that message with the development community

   Mayor Dixon was acceptable to having a future agenda on a Riverwalk update and there was Council consensus to proceed with a future agenda item on the additional two topics.

2. Councilmember Sharma requested a future agenda item to discuss board and commission appointments.

   Mayor Dixon indicated he believed everyone was acceptable to having an agenda item on the topic to make sure everyone is on the same page.

H. COORDINATION OF CALENDARS

A work session is scheduled for Thursday, December 17.

Mr. Dalton provided background information regarding the proposed Furst Ranch Development and indicated that the applicant is interested in getting feedback and direction from the Town Council on the project.

There was Council consensus to proceed with a December 17th work session for this purpose.

Mayor Dixon announced that the next regular meeting is scheduled for Monday, January 4.

I. CONSENT ITEMS

1. Consider approval of the minutes from a regular meeting of the Town Council held on November 16, 2020, and approval of the minutes from a work session held on November 19, 2020.
2. Consider approval of a contract with Blue Cross and Blue Shield in the amount of $848,333.28 for reinsurance for the Town's Group Health Plan and authorization for the Mayor to execute same on behalf of the Town.
3. Consider approval of the award of RFP No. 2021-3-A for Employee Basic Life Insurance & Accidental Death Insurance, Long Term Disability Insurance, Employee and Dependent Optional Life and Accidental Death Insurance to CIGNA Group Insurance in the estimated amount of $107,485.74 and authorization for the Mayor to execute same on behalf of the Town.
4. Consider approval of a resolution authorizing the adoption of the Program Year 2019 Consolidated Annual Performance & Evaluation Report for the Community Development Block Grant; and authorization for the Mayor to execute same on behalf of the Town and submit to the U.S. Department of Housing and Urban Development.

RESOLUTION NO. 24-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, PROVIDING FOR THE ADOPTION OF FLOWER MOUND'S PROGRAM YEAR 2019 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT UNDER THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; PROVIDING AUTHORIZATION FOR THE MAYOR TO EXECUTE SAID REPORT; AND PROVIDING AN EFFECTIVE DATE.

5. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2019, and ending on September 30, 2020, as adopted by Ordinance No. 50-19 and amended by Ordinance No. 64-19, No. 04-20 and No. 23-20 for adjustments to the General Fund, General Debt Service Fund and Grants Fund.

ORDINANCE NO. 36-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2019, AND ENDING ON SEPTEMBER 30, 2020, AS ADOPTED BY ORDINANCE NO. 50-19 AND AMENDED BY ORDIANACE NO. 64-19, NO. 04-20 and NO. 23-20, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, GENERAL DEBT SERVICE FUND AND GRANTS FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

6. Consider approval of an ordinance amending the Town of Flower Mound's Annual Budget for the fiscal year beginning October 1, 2020, and ending on September 30,

2021, as adopted by Ordinance No. 27-20 for adjustments to the General Fund, Utility Fund, Tree Preservation Fund, Flower Mound Log Cabin Fund, IRS Equitable Sharing Fund, Grants Fund, Neighborhood Improvement Fund and Vehicle & Equipment Replacement Fund.

ORDINANCE NO. 37-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE TOWN'S BUDGET FOR THE FISCAL YEAR BEGINNING ON OCTOBER 1, 2020, AND ENDING ON SEPTEMBER 30, 2021, AS ADOPTED BY ORDINANCE NO. 27-20, BY PROVIDING FOR ADJUSTMENTS TO THE GENERAL FUND, UTILITY FUND, TREE PRESERVATION FUND, FLOWER MOUND LOG CABIN FUND, IRS EQUITABLE SHARING FUND, GRANTS FUND, NEIGHBORHOOD IMPROVEMENT FUND, AND VEHICLE AND EQUIPMENT REPLACEMENT FUND; PROVIDING THAT EXPENDITURES FOR SAID FISCAL YEAR SHALL BE MADE IN ACCORDANCE WITH SAID BUDGET, AS AMENDED; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

7. *Item #7 was moved from Consent to Regular.*

8. Consider approval of a resolution accepting grant funds from the Department of Justice's Office of Justice Programs for the purchase of bulletproof vests for the Police Department as part of the FY 2020 Bulletproof Vest Partnership.

RESOLUTION NO. 25-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS FROM THE DEPARTMENT OF JUSTICE'S OFFICE OF JUSTICE PROGRAMS FOR THE FISCAL YEAR 2020 BULLETPROOF VEST PARTNERSHIP PROGRAM; APPROVING THE PURCHASE OF BULLETPROOF VESTS FOR THE TOWN USING AWARDED GRANT FUNDS; PLEDGING THAT THE TOWN OF FLOWER MOUND WILL COMPLY WITH ALL PROGRAM REQUIREMENTS OF THE BULLETPROOF VEST PARTNERSHIP PROGRAM.

9. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of fire protection services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.

10. Consider approval of an Interlocal Cooperation Agreement with Denton County for the provision of ambulance services for the benefit of the citizens of Flower Mound and Denton County, and authorization for the Mayor to execute same on behalf of the Town.

11. Consider approval of an ordinance for a street name change for the cul-de-sac immediately south of Cross Timbers Rd (FM 1171) and west of Pocahontas to Navajo Bluffs Court (9100 – 9200 block) (The Transportation Commission recommended to change the street name by a vote of 6 to 0 at its November 10, 2020, meeting)

ORDINANCE NO. 38-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING A STREET NAME CHANGE OF THE UNNAMED CUL-DE-SAC IMMEDIATEDLY SOUTH OF CROSS TIMBERS ROAD (FM 1171) AND WEST OF POCAHONTAS (PREVIOUSLY KNOWN AS THE 9100-9200 BLOCK OF CROSS TIMBERS ROAD) TO "NAVAJO BLUFFS COURT"; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

12. Consider approval of Change Order No. 1 for the High Road Water Line Replacement Phase III project, amending the contract with Muniz Construction, Inc., in the amount of $28,400.00; and authorization for the Mayor to execute same on behalf of the Town.
13. Consider approval of Change Order No. 2 for the construction of the FM2499 12-Inch Water Line Phase I (Dixon to South of FM1171) project, amending the contract with GRod Construction, LLC, to provide for an increase to the contract in the amount of $36,230.00; and authorization for the Mayor to execute same on behalf of the Town.
14. Consider approval of Change Order No. 2 to the construction agreement with Archer Western Construction, LLC, for the Wastewater Treatment Plant Rehabilitation Phase V, Solids Facility Improvements project, in the amount of $53,826.88; and authorization for the Mayor to execute same on behalf of the Town.
15. Consider approval of Change Order No. 3 for the construction of the Kirkpatrick Lane 12-Inch Water Line Phase II project, amending the contract with A&M Construction and Utilities, Inc., to provide for an increase to the contract in the amount of $54,417.00; and authorization for the Mayor to execute same on behalf of the Town.
16. Consider approval of First Amendment to Professional Services Agreement for the East Waketon Road Drainage Improvements project, amending the agreement with Halff Associates, Inc. for an increase of $55,000.00, and authorization for the Mayor to execute same on behalf of the Town.
17. Consider approval of the purchase and installation of Life Floor splash pad safety surfacing by Inside Edge CIS LLC, for the Heritage Park Improvements project, in the amount of $64,984.53.
18. Consider approval of a Professional Services Agreement with Alliance Geotechnical Group, Inc., to provide testing services in the amount of $44,206.50 for the Canyon Falls Park project.
19. Consider approval of a Professional Services Agreement with Pacheco Koch Consulting Engineers, Inc., for the work associated with the Engineering Standards and Details Update project, in the amount of $170,990.00; and authorization for the Mayor to execute same on behalf of the Town.
20. Consider approval of an increase to the annual purchase contract for flex base material from Big City Crushed Concrete, through a City of Lewisville contract (19-27-A) from an estimated total of $30,000.00 to an estimated total of $50,000.00.

21. Consider approval of a resolution to approve an Advance Funding Agreement, for Voluntary Local Government Contributions to Landscape Improvement Projects, with the Texas Department of Transportation (TxDOT) to pay for work associated with the construction of landscaping activities to include planting and irrigation along FM 1171 from Long Prairie Road to North Garden Ridge Boulevard within the limits of the Town of Flower Mound, in the amount of $90,000.00; and authorization for the Mayor to execute the same on behalf of the Town.

RESOLUTION NO. 26-20

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AUTHORIZING THE MAYOR TO ENTER INTO AN ADVANCED FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION; AND PROVIDING AN EFFECTIVE DATE.

22. Consider approval of a Landscape Maintenance Agreement with the State of Texas for the Town to maintain the Governor's Community Achievement Award grant project along FM 1171 between FM2499 and Garden Ridge Boulevard.
23. Consider approval of Standards of Care for Youth Recreation Programs operated by the Town, in accordance with the Texas Human Resources Code - Section 42.041 and to adopt an ordinance providing for said Standards.

ORDINANCE NO. 39-20

AN ORDINANCE AMENDING THE CODE OF ORDINANCES, TOWN OF FLOWER MOUND, TEXAS; AMENDING CHAPTER 54, "PARKS AND RECREATION," SECTION 54-202, "ADOPTION;" ADOPTING UPDATED STANDARDS OF CARE FOR YOUTH RECREATION PROGRAMS; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

24. Consider approval of a Professional Services Agreement for monthly gas well pad site air monitoring by Modern Geosciences, LLC, in the amount of $120,000.00; and authorization for the Mayor to execute same on behalf of the Town.
25. *Item #25 was moved from Consent to Regular.*
26. Consider approval of the purchase of wastewater flow meter data loggers and components from Hach Company, a sole source provider, associated with the Inflow-Infiltration/Evaluation and Repair project, in the amount of $96,609.40.
27. Consider approval of Change Order No. 1 for the Lift Station Improvements and Decommissioning Phase II project, amending the contract with Fort Worth Civil Constructors, LLC, in the amount of $32,282.00; and authorization for the Mayor to execute same on behalf of the Town.

<u>Councilmember Sharma moved to approve by consent Items 1–6, 8-24, 26, 27, as presented in the agenda caption. Mayor Pro Tem Engel seconded the motion. Each item, as approved by consent, is restated above, and if applicable, the Ordinance or Resolution caption for each, for the record.</u>

VOTE ON MOTION: *Motion passed*
AYES: SHARMA, BUMGARNER, ENGEL, MARTIN, PIERSON
NAYS: NONE

J. <u>REGULAR ITEMS</u>

7. Town Council acting as the Board of Directors for the Town of Flower Mound Crime Control and Prevention District to consider approval of a resolution amending the Town of Flower Mound Crime Control and Prevention District budget for the fiscal year beginning on October 1, 2020, and ending on September 30, 2021, as adopted by Resolution No. 19-20.

   Item 7 postponed to the January 4, 2021 meeting.

25. Consider approval of the 2020 Annual Report for the Flower Mound Tax Increment Reinvestment Zone #1 (TIRZ #1) in accordance with Chapter 311 of the Texas Tax Code

    Item 25 postponed to the January 4, 2021 meeting.

Mayor Dixon opened items 28 - 31 at the same time.

28. Public Hearing to consider an ordinance amending the zoning (ZPD20-0005 - Niagara Conservation) from an Agricultural (A) Zoning district to Planned Development District No.179 (PD-179) with Campus Industrial uses, with certain waivers, exceptions and modifications to the Code of Ordinances. The property is generally located north of Enterprise Road and east of Old Gerault Road. (The Planning and Zoning Commission recommended approval of the rezoning request and denial of the exception request to Section 82-376 of the Town Code that requires overhead utilities to be placed underground, by a vote of 6 to 0 at its November 9, 2020, meeting.)

29. Public Hearing to consider an application for a tree removal permit for twenty-five (25) specimen trees on property proposed for development as Niagara Conservation. The property is generally located north of Enterprise Road and east of Old Gerault Road. (The Environmental Conservation Commission recommended approval by a vote of 4-3-0 at its November 4, 2020, meeting).

    Ms. Murphy gave a presentation on items 28 and 29 identifying or noting:
    - General and detailed location
    - Land use and zoning
    - Conceptual site plan
    - Exception request
    - Site photos
    - Conceptual landscape plan
    - Elevations
    - Trees requested for removal
    - Underground utilities
    - Road configuration

    and she, or Ms. Bruce, responded to the following questions from Council:
    - Clarification regarding the road alignment

- What is the future intent for the strip of land adjacent to Enterprise (not part of this project) and if the applicant reached out to that property owner because of the possibility of utilizing that area for an entrance instead
- Wet pond versus dry pond

30. Public Hearing to consider approval of an ordinance establishing a Tax Abatement Reinvestment Zone for commercial tax abatement at 300 Old Gerault Road (Niagara Conservation, Inc., aka Deus, LLC).

31. Public Hearing to consider approval of a Chapter 380 and Tax Abatement Agreement with Niagara Conservation, Inc. (aka Deus, LLC), for the economic development of Flower Mound, and authorization for the Mayor to execute same on behalf of Town.

Ms. Roy gave a presentation for items 30 and 31 identifying or noting:
- Purpose and timing for Tax Abatement Reinvestment Zone
- Incentive request
- Project stats
- Niagara Conservation (company background)
- Site obstacles
- Cost benefit analysis

Applicant Presentation

John Walsh, 4015 University Blvd, Dallas, President, TIG Real Estate Service

Mr. Walsh gave a presentation identifying for noting:

- Company background
- Proposed use of site
- Development obstacles
- Mitigation of Southgate residential impact
- Oncor/CoServ
- Area Power lines – street view, area map
- Old Gerault Rd/Traffic
- Anticipated truck path and traffic

and he responded to the following questions from Council:
- Clarification regarding hours of operation
- Concerns regarding the proximity to the residential neighborhood and park buffer, as well as the truck traffic route, the number of protected trees requested to be removed

and Mr. Meredith responded to the following questions from Council:
- What would be needed to place additional screening on the HOA property (3rd party private property)

Mayor Dixon opened the Public Hearing for items 28 – 31 at 6:34 p.m. No one spoke. Mayor Dixon closed the Public Hearing for items 28 – 31 at 6:34 p.m.

Council Discussion

There was Council discussion regarding:

- Is this the right location given the adjacency to residential and the park
- Challenge regarding the overhead utilities (and interest in them being buried)
- The number of trees requested to be removed is a concern
- Traffic flow
- Return on investment
- Possibility of a lighter use of Campus Industrial

Mayor Dixon asked the applicant if they have interest in postponing this item to allow time for them to address some of the concerns presented.

Mr. Walsh indicated being acceptable to that.

<u>Councilmember Pierson moved to postpone items 28 – 31, including the Public Hearing, to January 4, 2021. Mayor Pro Tem Engel seconded the motion.</u>

VOTE ON MOTION: *Motion passed*
AYES: PIERSON, MARTIN, ENGEL, SHARMA
NAYS: BUMGARNER

32. Consider a request for a Development Plan (DP20-0004 – Grace Park) to develop a residential subdivision, with an exception to Section IV.C.5. of the Town's Engineering Design Criteria requirement to provide a wet retention pond, and an exception to the access management policy and criteria, regarding driveway spacing, contained in the Town's Engineering Design Criteria and Construction Standards adopted through Chapter 32 of the Code of Ordinances. The property is generally located south of Cross Timbers Road and east of Regency Park Court. (The Planning and Zoning Commission recommended approval by a vote of 5 to 1 at its November 9, 2020, meeting.)

Staff Presentation

Ms. Murphy gave a presentation identifying or noting:

- General and detailed location
- Land use and zoning
- Site photographs
- Development plan
- Exceptions requested

and she, Mr. Dalton, or Mr. Meredith responded to the following questions from Council:

- Clarification regarding the development plan layout
- Clarification regarding the minimum requirement of 50 feet wide for a residential street versus 36 feet for industrial areas
- What type of flexibility does the Town have when a development plan meets zoning requirements.
- Traffic and driveway variance concerns (access on Ida Lane)
- What have the residents on Nan Lane said about the connection

Applicant Presentation

Regional Rembert

Mr. Rembert responded to the following questions from Council:
- Clarification regarding the development plan layout
- Why requesting a dry pond instead of a wet pond

Council Discussion

There was Council discussion regarding:
- Resident concerns regarding traffic
- Background information about the development
- Ideally would like the lot layout like Regency Park; however, the plan meets the Town's requirements, so it needs to be approved

Mayor Pro Tem Engel moved to approve as presented. Councilmember Pierson seconded the motion.

VOTE ON MOTION: *Motion passed*
AYES: SHARMA, BUMGARNER, ENGEL, PIERSON
NAYS: MARTIN

Mayor Dixon opened items 33 and 34 at the same time.

33. Public Hearing to consider an ordinance amending Section 8.0 - Water Plan of the Master Plan (MPA20-0002 - Water Plan) to adopt amendments and additions to the 2009 Water Master Plan Update as a component of the Master Plan. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 9, 2020, meeting.)
34. Public Hearing to consider an ordinance amending Section 9.0 - Wastewater Plan of the Master Plan (MPA20-0003 - Wastewater Plan) to adopt amendments to the 2009 Wastewater Master Plan Update as a component of the Master Plan. (The Planning and Zoning Commission recommended approval by a vote of 6 to 0 at its November 9, 2020, meeting.)

Staff/Consultant Presentation

Mr. Waltenburg provided background information regarding the item and Anthony Samarripas, Kyle Sanderson, and Pete Kelly with Kimley Horn gave a presentation identifying or noting:
- Background information
- Project Scope
- Methodology
- Future water supply needs
- Wastewater infrastructure
- Capital Improvements Evaluation
- Next steps

and they responded to the following questions from Council:

- Clarification that the growth projections are based on land use assumptions

Council Discussion

There was Council discussion regarding:

- The amount of dollars proposed to be spent going forward
- How minor adjustments can be made every year and the Town is not committing to all of the funds initially
- Council has the opportunity to review the CIP projects multiple times

Mayor Dixon opened the Public Hearing at 8:59 p.m. No one spoke. Mayor Dixon closed the Public Hearing at 8:59 p.m.

Councilmember Sharma moved to approve items 33 and 34 as presented in the agenda caption. Mayor Pro Tem Engel seconded the motion.

VOTE ON MOTION: *Motion passed*
AYES: MARTIN, ENGEL, BUMGARNER, SHARMA
NAYS: PIERSON

Item 33 Ordinance:

ORDINANCE NO. 40-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE MASTER PLAN, BY AMENDING ORDINANCE NO. 24-01 IN PART, WHICH ADOPTED THE MASTER PLAN; BY AMENDING SECTION 8.0 WATER PLAN TO ADOPT UPDATES FOR THE YEAR 2020 TO THE 2009 WATER MASTER PLAN AS A COMPONENT OF THE MASTER PLAN; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

Item 34 Ordinance:

ORDINANCE NO. 41-20

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FLOWER MOUND, TEXAS, AMENDING THE MASTER PLAN, BY AMENDING ORDINANCE NO. 24-01 IN PART, WHICH ADOPTED THE MASTER PLAN; BY AMENDING SECTION 9.0 WASTEWATER PLAN TO ADOPT UPDATES FOR THE YEAR 2020 TO THE 2009 WASTEWATER MASTER PLAN AS A COMPONENT OF THE MASTER PLAN; REPEALING ALL CONFLICTING ORDINANCES, ORDERS, OR RESOLUTIONS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

35. Public Hearing to consider the approval of an ordinance adopting updated land use assumptions and updated capital improvements plans, and to update and amend certain provisions of Chapter 42, “Impact Fees,” regarding the imposition of impact fees and amending Appendix A, “Fee Schedule”, accordingly. (The CIAC recommended approval by a vote of 9 to 0 at its November 9, 2020, meeting.)

Staff/Consultant Presentation

Mr. Waltenburg provided background information regarding the item and Anthony Samarripas, Kyle Sanderson, and Pete Kelly with Kimley Horn gave a presentation identifying or noting:

- Impact fee basics
- Impact fee components
- Impact fee calculations
- Land use assumptions
- Vehicle miles
- Water meter equivalents
- Capital improvement plans
- Roadway impact fee CIP map
- Roadway CIP and growth summary
- Roadway maximum fees
- Water impact fee CIP map
- Water maximum fee
- Water Denton Creek ruse impact fee CIP map
- Wastewater impact fee CIP map
- Wastewater CIP and growth summary
- Next steps
- Roadway, water, and wastewater impact fee comparison
- Possible roadway, and water/wastewater fee options

and they responded to the following questions from Council:

- Clarification regarding:
  - projected growth summary (service area A)
  - residential rates are higher than commercial rates
  - Vehicle miles calculations (average trip of 4.85 miles per vehicle per day, service vehicles, and non-Flower Mound resident traffic)
  - how the projected water demands were calculated
- How many municipalities charge the calculated maximum versus giving discounts, and what's a typical discount
- Is new development cost factored in with the impact fees and was that included in the model presented
- Is the maximum demand (actual or projected uses) and what's the average daily water usage

Council Discussion

There was Council discussion regarding:

- Interest in seeing what the figures are at 80% and show what the Town had been charging up until now (future request: Show 80% of the 2020 calculated maximum)
- Residential versus non-residential rates

Administrative Note:
To satisfy the published public hearing notice for this item, there was a computer set up at Town Hall for public use in the event anyone physically came to Town Hall to participate in the public hearing for this item.

Mayor Pro Tem Engel moved to postpone item 35, including the Public Hearing, to January 4, 2021. Deputy Mayor Pro Tem Bumgarner seconded the motion.

VOTE ON MOTION: *Motion passed*
AYES: SHARMA, BUMGARNER, ENGEL, MARTIN, PIERSON
NAYS: NONE

K./L. CLOSED/OPEN MEETING

The Town Council convened into a closed meeting at 9:59 p.m. on Monday, December 7, 2020, pursuant to Texas Government Code Chapter 551, including, but not limited to, Sections 551.071, 551.072, 551.074, and 551.087 for consultation with attorney, and to discuss matters relating to real property, personnel, and economic development negotiations, and reconvened into an open meeting at 12:10 a.m. on Tuesday, December 8, 2020, and no action was taken on the following items:

a. Consultation with Attorney.

   1. Consultation with Attorney regarding legal issues associated with municipal boundary adjustment/annexation and ESD service issues.

   Pursuant to Section 551.071 of the Texas Government Code, the Town Council reserves the right to consult in a closed meeting with its attorney and to receive legal advice regarding any item listed on this agenda.

b. Discuss and consider the recruitment process for the Town Manager, and all matters incident and related thereto.

c. Discuss and consider purchase, exchange, lease or value of real property for parks, public rights-of-way, cultural arts center, and/or other municipal purposes and all matters incident and related thereto.

d. Discuss and consider economic development incentives, including retail centers, corporate relocation/expansion/retention, senior housing, hospitality projects, and performance related to certain incentive agreements.

O. ADJOURN REGULAR MEETING

Mayor Dixon adjourned the meeting at 12:10 a.m. on Tuesday, December 8, 2020, and all were in favor.

TOWN OF FLOWER MOUND, TEXAS

Steve Dixon

STEVE DIXON, MAYOR

ATTEST:

Theresa Scott

THERESA SCOTT, TOWN SECRETARY